

AUL.25646

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TRENTON YARBROUGH,
Plaintiff,

V.

JOHN DOE AND ARGOS USA LLC,
Defendants.

§
§
§
§
§
§
§

CIVIL ACTION NO. _____

INDEX OF DOCUMENTS

The following exhibits are relied upon and incorporated by reference in Defendant
ARGOS USA LLC's Notice of Removal:

1. State Court Docket Sheet;
2. Plaintiff's Original Petition filed December 17, 2020;
3. Citation on Argos USA LLC, issued December 22, 2020;
4. Return of Service for Argos USA LLC, dated January 4, 2021; and
5. Defendant Argos USA LLC's Original Answer, filed January 25, 2021.

Respectfully submitted,

**FLETCHER, FARLEY
SHIPMAN & SALINAS, LLP**

/s/ Fernando P. Arias

FERNANDO P. ARIAS

ATTORNEY IN CHARGE

State Bar No. 24025946

C. RYAN CURRY

State Bar No. 24050145

9201 N. Central Expwy., Suite 600

Dallas, Texas 75231

214-987-9600

214-987-9866 fax

fred.arias@fletcherfarley.com

ryan.curry@fletcherfarley.com

**ATTORNEYS FOR DEFENDANT
ARGOS USA LLC**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing instrument was electronically filed via the Court's CM/ECF system and a true and correct copy of same was delivered to all counsel of record in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on this the 2nd day of February, 2021.

/s/ Fernando P. Arias

FERNANDO P. ARIAS

EXHIBIT

“C-1”

Case Information

DC-20-18560 | TRENTON YARBROUGH vs. JOHN DOE, et al

Case Number
DC-20-18560
File Date
12/17/2020

Court
44th District Court
Case Type
MOTOR VEHICLE ACCIDENT

Judicial Officer
GOLDSTEIN, BONNIE LEE
Case Status
OPEN

Party

PLAINTIFF
YARBROUGH, TRENTON

Active Attorneys▼
Lead Attorney
MALDONADO, DAVID
Retained

DEFENDANT
DOE, JOHN

DEFENDANT
ARGOS USA LLC

Address
ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN TX 78701

Events and Hearings

12/17/2020 NEW CASE FILED (OCA) - CIVIL

12/17/2020 ORIGINAL PETITION ▼

ORIGINAL PETITION

12/17/2020 CORRESPONDENCE - LETTER TO FILE ▼

CORRESPONDENCE LETTER FOR CITATION

12/17/2020 ISSUE CITATION ▼

ISSUE CITATION - ARGOS USA LLC

12/21/2020 ORDER - STATUS CONFERENCE ▼

ORDER - STATUS CONFERENCE

12/22/2020 CITATION ▼

Served

01/04/2021

Anticipated Server

ESERVE

Anticipated Method

Actual Server

OUT OF COUNTY

Returned

01/07/2021

Comment

ARGOS USA LLC

01/07/2021 RETURN OF SERVICE ▼

EXECUTED CITATION - ARGOS USA, LLC

Comment

EXECUTED CITATION - ARGOS USA, LLC

02/05/2021 Status Conference ▼

Judicial Officer

GOLDSTEIN, BONNIE LEE

Hearing Time

9:00 AM

Financial

YARBROUGH, TRENTON

Total Financial Assessment
Total Payments and Credits

\$300.00
\$300.00

12/18/2020	Transaction Assessment	\$300.00
12/18/2020	CREDIT CARD - TEXFILE (DC) Receipt # 78917-2020-DCLK YARBROUGH, TRENTON	(\$300.00)

Documents

ORIGINAL PETITION
CORRESPONDENCE LETTER FOR CITATION
ISSUE CITATION - ARGOS USA LLC
ORDER - STATUS CONFERENCE
EXECUTED CITATION - ARGOS USA, LLC

EXHIBIT

“C-2”

DC-20-18560

CAUSE NO. _____

TRENTON YARBROUGH,
Plaintiff,

IN THE DISTRICT COURT

v.

B-44TH JUDICIAL DISTRICT

JOHN DOE AND ARGOS USA LLC,
Defendants.

DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, TRENTON YARBROUGH, Plaintiff, and files Plaintiff's Original Petition, complaining of JOHN DOE AND ARGOS USA LLC, Defendants, and would show unto the Court as follows:

I. DISCOVERY PLAN

1. This suit is governed by discovery control plan II under Rule 190.3 of the Texas Rules of Civil Procedure.

II. PARTIES

2. Plaintiff, TRENTON YARBROUGH, is an individual who resides at 2701 Cresthaven Drive, Mesquite, Dallas County, Texas TX 75149.

3. Defendant, JOHN DOE, is an individual who resides at, 123 Anywhere, TX, and may be served with process at that address.

4. Upon information and belief, Defendant, ARGOS USA LLC, is an out of state corporation that may be served with process through its registered agent for service, Corporation Service Company, at 211 East 7th Street Suite 620, Austin, TX 78701. Citation is requested for this Defendant and service will be completed by a private process server.

III. JURISDICTION & VENUE

5. The Court has continuing jurisdiction over Defendants, because Defendant, John Doe, committed a tort within the State of Texas, and Defendant, Argos USA LLC, maintains substantial and continuing contacts with the State of Texas. The Court has jurisdiction over the controversy, because the damages are within the statutory jurisdictional limits of the Court.

6. Venue is proper in Dallas County, Texas, because all or a substantial part of the events or omissions giving rise to the claim occurred in Dallas County.

IV. FACTS

7. This lawsuit results from an automobile collision that occurred on or about June 8 , 2019, at Rodeo Center Drive in Mesquite, Dallas County, Texas. Plaintiff, Trenton Yarbrough, was at a complete stop southbound on Rodeo Center Drive with Defendant traveling directly behind. Defendant, John Doe, failed to control his speed and rear ended Plaintiff's vehicle. At the time of the collision, Defendant, John Doe, was acting in the course and scope of his employment with Defendant, Argos USA LLC. As a result of the impact, Plaintiff suffered bodily injury.

V. NEGLIGENCE

8. Defendant, John Doe, and Defendant, Argos USA LLC., vicariously, had a duty to exercise ordinary care and operate the vehicle reasonably and prudently and failed to do so. Defendants were negligent in at least the following respects:

- a. Failure to maintain a proper lookout;
- b. Failure to make such application of the brakes as a person using ordinary care would have made;
- c. Failure to maintain proper control of the vehicle under the conditions then and there existing;
- d. Failure to turn the vehicle to the right or left to avoid the collision;
- e. Traveling at an unsafe speed; and
- f. Failure to maintain an adequate distance between the vehicle and the vehicle driven by Plaintiff, Trenton Yarbrough.

VI. RESPONDEAT SUPERIOR

9. At the time of the accident, Defendant, John Doe, was the agent, servant, and employee of Defendant, Argos USA LLC, and was acting within the scope of his authority as such agent, servant, and employee. Defendant, Argos USA LLC is liable to Plaintiff for the negligence of Defendant, John Doe, under the common law doctrine of

respondeat superior.

VII. DAMAGES

10. As a proximate result of Defendants' negligence, Plaintiff suffered bodily injury. Plaintiff suffered the following damages:

- a. Physical pain and mental anguish in the past and future;
- b. Medical expenses in the past and future; and
- c. Physical impairment.

VIII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, TRENTON YARBROUGH, respectfully requests that Defendants, ARGOS USA LLC, be cited to appear and answer, and on final trial, that Plaintiff have judgment against Defendants for:

- a. Actual damages;
- b. Prejudgment and post-judgment interest as allowed by law;
- c. Costs of suit;
- d. monetary relief over \$250,000 but not more than \$1,000,000; and
- e. Any further relief, either in law or equity, to which Plaintiffs are justly entitled.

IX. REQUEST FOR DISCLOSURE

Pursuant Rule 194 of the Texas Rules of Civil Procedure, please disclose all information identified in Rule 194.2 (a) - (l).

Respectfully submitted,

Ben Abbott & Associates, PLLC
1934 Pendleton Drive
Garland, TX 75041
(972) 263-5555
(817) 263-5555
(972) 682-7586 Facsimile
eService@benabbott.com

/s/ David Maldonado

by: David Maldonado
State Bar No. 24084914

ATTORNEYS FOR PLAINTIFF

EXHIBIT

“C-3”

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: ARGOS USA LLC
BY SERVING REGISTERED AGENT, CORPORATION SERVICE COMPANY
211 EAST 7TH STREET SUITE 620
AUSTIN TEXAS 78701**

GREETINGS:

You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **TRENTON YARBROUGH**

Filed in said Court **17th day of December, 2020** against

JOHN DOE & ARGOS USA LLC

For Suit, said suit being numbered **DC-20-18560**, the nature of which demand is as follows:

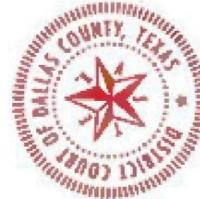
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition & **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office this 22nd day of December, 2020.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By ANGELA CONEJO, Deputy



ESERVE

CITATION

DC-20-18560

TRENTON YARBROUGH

vs.

JOHN DOE, et al

ISSUED THIS

22nd day of December, 2020

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: ANGELA CONEJO, Deputy

Attorney for Plaintiff

DAVID MALDONADO

BEN ABBOTT & ASSOCIATES PLLC

1934 PENDLETON DR

GARLAND TEXAS 75041

972-263-5555

eservice@benabbott.com

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

OFFICER'S RETURN

Case No. : DC-20-18560

Court No.44th District Court

Style: TRENTON YARBROUGH

vs.

JOHN DOE, et al

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ .M. Executed at _____,
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20____, by delivering to the within named _____

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

EXHIBIT

“C-4”

RECEIVED

JAN 4, 2021 @ 7:00 AM

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: ARGOS USA LLC
BY SERVING REGISTERED AGENT, CORPORATION SERVICE COMPANY
211 EAST 7TH STREET SUITE 620
AUSTIN TEXAS 78701

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **TRENTON YARBROUGH**

Filed in said Court **17th day of December, 2020** against

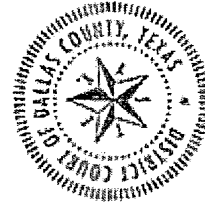
JOHN DOE & ARGOS USA LLC

For Suit, said suit being numbered **DC-20-18560**, the nature of which demand is as follows:
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition & **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 22nd day of December, 2020.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By  _____, Deputy
ANGELA CONEJO



ESERVE

CITATION

DC-20-18560

TRENTON YARBROUGH

vs.

JOHN DOE, et al

ISSUED THIS

22nd day of December, 2020

FELICIA PITRE

Clerk District Courts,
Dallas County, Texas

By: ANGELA CONEJO, Deputy

Attorney for Plaintiff

DAVID MALDONADO

BEN ABBOTT & ASSOCIATES PLLC

1934 PENDLETON DR

GARLAND TEXAS 75041

972-263-5555

eservice@benabbott.com

DALLAS COUNTY

SERVICE FEES

NOT PAID

DELIVERED:

ON 1/4/21

BY TH-JOLC

OFFICER'S RETURN

Case No. : DC-20-18560

Court No.44th District Court

Style: TRENTON YARBROUGH

vs.

JOHN DOE, et al

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ M. Executed at _____
within the County of _____ at _____ o'clock _____ M. on the _____ day of _____
20_____, by delivering to the within named _____

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____.

to certify which witness my hand and seal of office.

Notary Public _____ County _____

EXHIBIT

“C-5”

AUL.25646

CAUSE NO. DC-20-18560

TRENTON YARBROUGH,	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
V.	§	DALLAS COUNTY, TEXAS
	§	
JOHN DOE AND ARGOS USA LLC,	§	
Defendants.	§	44th JUDICIAL DISTRICT

**DEFENDANT ARGOS USA LLC'S ORIGINAL ANSWER
TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, **ARGOS USA LLC**, now comes and files its Original Answer to Plaintiff's Original Petition. In support of same, Defendant would respectfully show unto the Court as follows:

**I.
GENERAL DENIAL**

Defendant denies each and every, all and singular, the material allegations contained in Plaintiff's Original Petition and demands strict proof thereof.

II.

In the event that Defendant is found to be liable to Plaintiff and in the event that Plaintiff's injuries are found to have been caused by the incident made the basis of this lawsuit, Defendant pleads that Plaintiff's recovery of medical and health care expenses is limited to the amount actually paid or incurred by or on behalf of Plaintiff. TEXAS CIVIL PRACTICE & REMEDIES CODE §41.015.

**III.
JURY DEMAND**

In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant hereby demands a trial by jury. Simultaneously with the filing of this demand, a jury fee is being paid on

behalf of Defendant.

WHEREFORE, PREMISES CONSIDERED, Defendant Argos USA LLC prays that Plaintiff takes nothing by this suit, that Defendant be awarded its costs, and for such other and further relief, both general and special, at law or in equity, to which this Defendant may show itself to be justly entitled.

Respectfully submitted,

**FLETCHER, FARLEY
SHIPMAN & SALINAS, LLP**

/s/ Fernando P. Arias

FERNANDO P. ARIAS

State Bar No. 24025946

C. RYAN CURRY

State Bar No. 24050145

9201 N. Central Expwy., Suite 600

Dallas, Texas 75231

214-987-9600

214-987-9866 fax

fred.arias@fletcherfarley.com

ryan.curry@fletcherfarley.com

**ATTORNEYS FOR DEFENDANT
ARGOS USA LLC**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, telecopied, hand delivered, or electronically transmitted to all attorneys of record in this cause of action, in compliance with Rule 21a. of the TEXAS RULES OF CIVIL PROCEDURE, on the 25th day of January, 2021.

/s/ Fernando P. Arias

FERNANDO P. ARIAS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Abby Golman on behalf of Fernando Arias
Bar No. 24025946
abby.golman@fletcherfarley.com
Envelope ID: 49985194
Status as of 1/25/2021 10:53 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DAVID MALDONADO		eService@benabbott.com	1/25/2021 10:34:53 AM	SENT
Fernando P.Arias		fred.arias@fletcherfarley.com	1/25/2021 10:34:53 AM	SENT
Abby Golman		abby.golman@fletcherfarley.com	1/25/2021 10:34:53 AM	SENT
C. RyanCurry		ryan.curry@fletcherfarley.com	1/25/2021 10:34:53 AM	SENT
Ashley Chambers		ashley.chambers@fletcherfarley.com	1/25/2021 10:34:53 AM	SENT